REMARKS

Claims 1 – 17, 19, 21, 22, 27, 29 – 50, 52, 54, 55, 60, and 62 – 75 are pending in the present Application. Claims 54 and 64 have been amended, leaving Claims 1 – 17, 19, 21, 22, 27, 29 – 50, 52, 54, 55, 60, and 62 – 75 for consideration upon entry of the present Amendment.

Claim 54 has been amended to correct its dependency, while Claim 64 has been amended to remove the redundant language. These amendments do not change the scope of these claims.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1 – 17, 19, 21 – 23, 27, 29 – 50, 52, 53, 56 – 59, and 61 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is first noted that Claims 23, 53, and 56 – 59 were cancelled in previous amendment(s). Hence, the rejection of these claims is moot.

Regarding the remaining claims, the claims are allegedly unclear because "the second layer can be envis[ioned] in several ways. As one example, the adhesive layer may be interpreted as comprising separate adhesive material *and* a separate resinous copolymer or *in the alternative*." (Office Action dated August 12, 2005, hereinafter OA 08/05, page 2; *emphasis* in the original) Applicants do not understand this example.

Claim 1, for example, claims: "an adhesive layer comprising an adhesive material and a resinous copolymer". Hence, the adhesive layer comprises the adhesive material and the resinous copolymer. The adhesive material is further defined as comprising a polyurethane. The resinous copolymer is further defined as comprising structural units derived from an alkenyl aromatic compound and a conjugated diene. This language is clear and definite. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1 – 17, 19, 21, 22, 27, 29 – 50, 52, 54, 55, 60, and 62 – 75, have been rejected under 35 U.S.C. §102(e), as allegedly anticipated by U.S. Patent Publication No. 2003/0175488 to Asthana et al. Applicants respectfully traverse this rejection.

To anticipate a claim, a reference must disclose each and every element of the claim. Lewmar Marine v. Varient Inc., 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

The present application teaches and claims "an adhesive layer comprising an adhesive material and a resinous copolymer, wherein the adhesive material comprises a polyurethane, wherein the resinous copolymer comprises structural units derived from an alkenyl aromatic compound and a conjugated diene" (Claims 1, 29, 30, 31, 32, 64, and 67), and also claims "an adhesive layer comprising a block copolymer comprising a polyurethane block comprising a structural unit derived from a polyurethane and a styrene block comprising a structural unit derived from styrene". (Claim 73).

Asthana et al. at least fail to specifically teach the adhesive layer as claimed in the present application. For example, they fail to teach an adhesive layer comprising an adhesive material and a resinous copolymer. The adhesive material comprises a polyurethane. The resinous copolymer comprises structural units derived from an alkenyl aromatic compound and a conjugated diene. Since Asthana et al. at least fail to teach these elements of the present claims, they fail to anticipate the claims of the present application. Reconsideration and withdrawal of this rejection are respectfully requested.

Provisional Claim rejections Under Obviousness Type Double Patenting

Claims 1 – 17, 19, 21, 22, 27, 29, 30 – 50, 52, 54, 55, 60, and 62 - 75 have been provisionally rejected under the judicially created doctrine of double patenting over Claims 2, 4, 5 – 9, 12 – 18, 20 – 23, 26 – 34, and 40 – 47 of Asthana et al. Since neither the present claims nor the claims of Asthana et al. have been patented, there is no way that double patenting can be determined (nothing is patented and there is no way to compare the final claims until one of the cases has been patented and the other claims are otherwise allowable). Hence, the Applicants respectfully request that the Examiner withdraw this obviousness double patenting rejection until the claims are in final form and otherwise in condition for allowance, and Asthana et al. has been

patented. Until such time, there is no double patenting and no way to determine double patenting.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-3621.

Respectfully submitted,

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